



House of Representatives

General Assembly

File No. 118

February Session, 2000

House Bill No. 5676

House of Representatives, March 20, 2000

The Committee on Government Administration and Elections reported through REP. KNOPP of the 137th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

An Act Concerning Name Changes Related To The Department of Administrative Services.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-75 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The Comptroller shall prescribe the manner in which claims for
4 supplies, materials, equipment and contractual services purchased or
5 contracted for shall be submitted, examined, approved and paid. There
6 shall continue to be, from the appropriations of the state agencies, a
7 [General Services] Department of Administrative Services Revolving
8 Fund of such amount as the Commissioner of Administrative Services,
9 with the approval of the Governor, determines to be necessary to
10 defray such current expenses for supplies, materials, equipment and
11 contractual services as will be incurred by the commissioner in
12 anticipation of the future requirements of state agencies or under other

13 conditions necessitating the payment of such expense prior to the
14 determination of the legal or equitable claims to be charged on account
15 of such expenses to the appropriations of such agencies. Claims on
16 account of such expenses shall be paid from said revolving fund. Any
17 such expenses which cannot be specifically allocated to particular state
18 agencies shall be apportioned monthly by the commissioner, with the
19 approval of the Standardization Committee, among the state agencies
20 for which they were incurred in such manner as the commissioner
21 deems equitable. All funds received in payment of such claims shall be
22 credited to said revolving fund.

23 Sec. 2. Section 4a-16 of the general statutes is repealed and the
24 following is substituted in lieu thereof:

25 When any person supported or cared for by the state under a
26 program of public assistance or in an institution maintained by the
27 Department of Public Health, state Department of Mental Retardation,
28 [or] the state Department of Mental Health and Addiction Services, or
29 an inmate of the Department of Correction, or when any child
30 committed to the Commissioner of Social Services or Commissioner of
31 Children and Families dies leaving only personal estate, including
32 personal assets owing and due the estate after death, not exceeding
33 twenty thousand dollars in value, the Commissioner of Administrative
34 Services or [his] the commissioner's authorized representative shall,
35 upon filing with the probate court having jurisdiction of such estate a
36 certificate that the total estate is under twenty thousand dollars and
37 the claim of the state, together with the expense of last illness not
38 exceeding three hundred seventy-five dollars and funeral and burial
39 expenses in accordance with section 17b-84, equals or exceeds the
40 amount of such estate, be issued a certificate by said court that [he] the
41 commissioner is the legal representative of such estate only for the
42 following purpose. [He] The commissioner shall have authority to
43 claim such estate, [his] the commissioner's receipt for the same to be a
44 valid discharge of the liability of any person turning over the same,

45 and to settle the same by payment of the expense of last illness not
46 exceeding three hundred seventy-five dollars, expense of funeral and
47 burial in accordance with section 17b-84 and the remainder as partial
48 or full reimbursement of the claim of the state for care or assistance
49 rendered to the decedent. The commissioner shall file with said
50 probate court a statement of the settlement of such estate as herein
51 provided.

52 Sec. 3. Section 17b-114 of the general statutes is repealed and the
53 following is substituted in lieu thereof:

54 Subject to federal approval, as a condition of receiving a special
55 need benefit to cover the cost of a security deposit, a recipient of
56 assistance under the temporary family assistance program or the state-
57 administered general assistance program or the program of state
58 supplementation to the Supplemental Security Income Program shall
59 sign an agreement with the Commissioner of Social Services stating
60 that the security deposit and accrued interest, less the value of any
61 damages suffered by the landlord due to the recipient's failure to
62 comply with his obligations as a tenant pursuant to section 47a-21,
63 shall be paid by the landlord to the Department of Social Services
64 when the recipient vacates the housing for which the deposit is paid.
65 The recipient shall notify the commissioner of the date such housing is
66 vacated. If the landlord claims the right to withhold all or part of the
67 security deposit or interest, [he] the landlord shall comply with the
68 applicable provisions of section 47a-21, except any notice required
69 shall be sent to the tenant and to the Commissioner of Social Services.
70 If the landlord fails to return the deposit to the Department of Social
71 Services or to account to the department for any amount withheld
72 within the time limits set forth in section 47a-21, the department may
73 refer the matter to the [Bureau of Collection Services] Department of
74 Administrative Services for payment to the state of the deposit, interest
75 and such other damages as are available to tenants under said section.
76 Notwithstanding the provisions of subsection (d) of section 47a-21, for

77 purposes of taking such action on behalf of the state, the [department
78 and the Bureau of Collection Services are] Department of
79 Administrative Services is not required to give notice of a forwarding
80 address. A recipient of a special need benefit to cover the cost of a
81 security deposit who agrees the deposit shall be returned to the
82 department pursuant to this section shall be eligible for a subsequent
83 such special need benefit at any time the recipient meets the eligibility
84 criteria for the special need benefit for emergency housing set forth in
85 subsection (a) of section 17b-808.

86 Sec. 4. Subdivision (1) of subsection (a) of section 52-362 of the
87 general statutes, as amended by section 6 of public act 99-193, is
88 repealed and the following is substituted in lieu thereof:

89 (1) "Dependent" means a spouse, former spouse or child entitled to
90 payments under a support order, provided the Support Enforcement
91 Division of the Superior Court or the state acting under an assignment
92 of a dependent's support rights or under an application for child
93 support enforcement services shall, through an officer of the Support
94 Enforcement Division or the Bureau of Child Support Enforcement
95 within the Department of Social Services or an investigator of the
96 [Bureau of Collection Services] Department of Administrative Services
97 or the Attorney General, take any action which the dependent could
98 take to enforce a support order.

99 Sec. 5. Subsection (h) of section 52-362 of the general statutes, as
100 amended by section 6 of public act 99-193, is repealed and the
101 following is substituted in lieu thereof:

102 (h) Service of any process under this section, including any notice,
103 may be made in accordance with section 52-57, or by certified mail,
104 return receipt requested. If service is made on behalf of the state, it
105 may be made by an authorized employee of the Support Enforcement
106 Division of the court, or by an investigator or other officer of the
107 Bureau of Child Support Enforcement within the Department of Social

108 Services or by an investigator of the [Bureau of Collection] Department
109 of Administrative Services or by the Attorney General.

110 Sec. 6. Subsection (a) of section 53-304 of the general statutes is
111 repealed and the following is substituted in lieu thereof:

112 (a) Any person who neglects or refuses to furnish reasonably
113 necessary support to [his] the person's spouse, child under the age of
114 eighteen or parent under the age of sixty-five shall be deemed guilty of
115 nonsupport and shall be imprisoned not more than one year, unless
116 [he] the person shows to the court before which the trial is had that,
117 owing to physical incapacity or other good cause, [he] the person is
118 unable to furnish such support. Such court may suspend the execution
119 of any community correctional center sentence imposed, upon any
120 terms or conditions that it deems just, may suspend the execution of
121 the balance of any such sentence in a like manner, and, in addition to
122 any other sentence or in lieu thereof, may order that the person
123 convicted shall pay to the Commissioner of Administrative Services
124 directly or through the Support Enforcement Division of the Superior
125 Court, such support, in such amount as the court may find
126 commensurate with the necessities of the case and the ability of such
127 person, for such period as the court shall determine. Any such order of
128 support may, at any time thereafter, be set aside or altered by such
129 court for cause shown. Failure of any defendant to make any payment
130 may be punished as contempt of court and, in addition thereto or in
131 lieu thereof, the court may order the issuance of a wage withholding in
132 the same manner as is provided in section 17b-748, which withholding
133 order shall have the same precedence as is provided in section 52-362,
134 as amended. The amounts withheld under such withholding order
135 shall be remitted to the [bureau of collection services] Department of
136 Administrative Services by the person or corporation to whom the
137 withholding order is presented at such intervals as such withholding
138 order directs. For purposes of this section, the term "child" shall
139 include one born out of wedlock whose father has acknowledged in

140 writing his paternity of such child or has been adjudged the father by a
141 court of competent jurisdiction.

142 Sec. 7. Section 5-209 of the general statutes is repealed and the
143 following is substituted in lieu thereof:

144 Any state employee, except an employee who has been designated
145 managerial, who is assigned, by [his] the employee's appointing
146 authority, duties and responsibilities of a job classification higher than
147 the class in which [he] the employee is placed, which assignment has
148 been approved by the [Director of Personnel and Labor Relations]
149 Commissioner of Administrative Services, and who works in such
150 assignment on a continuous basis for a period of more than sixty
151 working days, shall be compensated for such time in excess of sixty
152 days at a rate in the higher class which shall not be less than one step
153 in that class above [his] the employee's existing rate of pay. Service in a
154 higher classification under this section shall not constitute permanent
155 status in such class.

156 Sec. 8. Subdivision (3) of subsection (a) of section 5-213 of the
157 general statutes is repealed and the following is substituted in lieu
158 thereof:

159 (3) An employee who has completed twenty or more years but less
160 than twenty-five years of state service shall receive two hundred
161 twenty-five dollars or an amount determined in accordance with the
162 longevity rate schedule established for [his] the employee's class of
163 position by the [Director of Personnel and Labor Relations]
164 Commissioner of Administrative Services, whichever is greater, except
165 that a managerial employee shall receive an amount determined in
166 accordance with the longevity rate schedule established for [his] the
167 employee's class of position by said commissioner.

168 Sec. 9. Subsection (b) of section 5-237 of the general statutes is
169 repealed and the following is substituted in lieu thereof:

170 (b) Notwithstanding the provisions of subsection (a) of this section,
171 the [Director of Personnel and Labor Relations] Commissioner of
172 Administrative Services shall provide for the administration of a
173 performance appraisal system as [he or she shall deem] the
174 commissioner deems practical for employees whose positions have
175 been designated as managerial, except in the Legislative and Judicial
176 Departments. Such performance appraisals shall be used in
177 determining managerial compensation in accordance with the
178 provisions of subsection (d) of section 5-210, and shall be required
179 periodically as determined by the [Director of Personnel and Labor
180 Relations] Commissioner of Administrative Services.

GAE Committee Vote: Yea 22 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Revenue Gain

Affected Agencies: Department of Administrative Services,
Department of Correction

Municipal Impact: None

Explanation

State Impact:

The passage of this bill could result in a revenue gain to the state, that cannot be determined at this time, but that is not anticipated to be significant. The bill requires the Department of Administrative Services (DAS) to collect the costs of incarceration from the estate of inmates who die leaving only a personal estate of less than \$20,000.

The potential amount of revenue that may be collected is not anticipated to be significant. Most inmates have few assets. The Department of Correction currently has the authority to charge for various services, but collects less than \$100,000 per year. Services include sick calls, dental procedures, eyeglasses, elective and vocational educational programs, extended family visits, and lab tests to detect illegal drugs. In addition, many inmates' estates may already be subject to public assistance liens.

This bill also changes the names of several units and funds in DAS.

These name changes have no fiscal impact.

OLR Bill Analysis

HB 5676

***AN ACT CONCERNING NAME CHANGES RELATED TO THE
DEPARTMENT OF ADMINISTRATIVE SERVICES.*****SUMMARY:**

This bill requires the Department of Administrative Services' (DAS) commissioner to collect the costs of incarceration from the estate of inmates who die leaving only a personal estate of up to \$20,000. The bill applies the same procedures for collecting this debt that currently apply when people die while supported by the state at the departments of health, mental retardation, mental health and addiction services, children and families, or social services.

It renames the "General Services Revolving Fund" the DAS Revolving Fund to reflect the terms currently being used by the department. The fund, as required by law, consists of appropriations to state agencies for supplies, materials, equipment, and contractual services.

The bill deletes obsolete references to the "Bureau of Collection Services" and the "Bureau of Personnel and Labor Relations" (formerly within the department) and replaces them with DAS.

EFFECTIVE DATE: October 1, 2000

DAS COLLECTING STATE DEBT FROM DECEDENTS' ESTATES

When an inmate dies owing the state incarceration costs and leaving only personal assets of \$20,000 or less, the bill requires the DAS commissioner to file a certificate with the appropriate probate court claiming that (1) the decedent's estate is under \$20,000 and (2) his debt, including the state's claim; his last medical bills, up to \$375; and funeral and burial expenses equal or exceed the value of the estate.

The court must issue a certificate making the commissioner legal representative of the decedent's estate for the purposes of:

1. claiming the estate;
2. discharging the liability of the person who turns the estate over to her; and
3. settling the estate by paying medical bills, funeral, and burial expenses and accepting the balance as full or partial payment of incarceration costs.

The commissioner must file a statement with the court when the estate is settled.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 22 Nay 0